IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO: 3733 of 2005

Between:

C.K.M. Rao, E-103426, Conductor, Sangareddy Depot,
R/o. Sangareddy, Medak District.

.... PETITIONER

AND

1 The APSRTC, rep by its Regional Manager, Medak Region at

Medak
2 The Depot Manager APSRTC, Zaheerabad, Medak District.
3 The APSRTC, rep by its Depot Manager, Sangareddy, Medak

District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other respondents herein in imposing the punishment of different of annual increment for a period of 1 year with cumulative affect without holding any departmental enquiry vide Proc.No. 02/104(226)/91-ZHB, dt. 17-8-1992, as illegal, unjust, contrary to well established principles of law and as such liable to be set aside by further directing the respondents to refix the pay of the petitioner by adding the differred increment w.e.f. 17-8-1992 and to pay the arrears forthwith and pass such other or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.S.M.SUBHAN

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed to declare the action of the respondents in imposing the punishment of deferment of annual increment for a period of one year with cumulative effect without holding any departmental enquiry, vide proceedings No.02/104(226)/91-ZHB, dated 17-08-1992, as arbitrary and illegal.

Heard learned counsel for the petitioner and learned counsel appearing for the respondents.

Admittedly, a major punishment has been imposed on the petitioner without conducting any departmental enquiry. After issuance of a charge memo and after consideration of explanation submitted by the writ petitioner, the impugned proceedings, dated 17-08-1992, have been passed. A punishment of deferment of annual increment for a period of one year with cumulative effect cannot be imposed without conducting departmental enquiry.

Therefore, the impugned proceedings have been quashed with a liberty to the respondents to conduct a regular departmental enquiry in accordance with the rules and regulations.

The writ petition is accordingly disposed of. There shall be no order as to costs.

_____

28.02.2005

VS

To

1 The APSRTC, rep by its Regional Manager, Medak Region at

Medak
2 The Depot Manager APSRTC, Zaheerabad, Medak District.
3 The APSRTC, rep by its Depot Manager, Sangareddy, Medak

District.

4 2 CD copies.

THE HON'BLE MR JUSTICE K.C. BHANU

-

-

-

-

-

-

-

-

-

WRIT PETITION NO: 3733 of 2005

Dated: 28-02-2005

vs